

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 21, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 14, 2003 and the minutes of the Joint Public Hearing regarding Comprehensive Plan Amendment No. 03004, Southeast Upper Salt Creek Watershed, held on October 1, 2003.

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated October 14, 2003 and the minutes of the Joint Public Hearing regarding Comprehensive Plan Amendment No. 03004, Southeast Upper Salt Creek Watershed dated October 1, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, October 21, 2003.

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through October 21, 2003. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

- A. County Miscellaneous 03011, requested by the Director of Planning, to amend the County Subdivision Resolution to add a postponement fee.**

The Chair opened the public hearing and asked if anyone wanted to testify in favor, opposition or in a neutral position.

No one appeared and the hearing was closed.

MOTION: Hudkins moved and Schorr seconded approval of County Miscellaneous 03011, requested by the Director of Planning, to amend the County Subdivision Resolution to add a postponement fee. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

Stevens asked if he understood the motion to be to direct the County Attorney's Office to prepare a resolution to approve the fee.

The Clerk stated there is a resolution regarding the fee listed under Consent Items.

- B. City-County Final Plat 03016, View Pointe North, requested by Lyle Loth of ESP on behalf of Willard Giebenrath, consisting of 14 lots and 5 outlots, on property generally located at North 70th Street and Waverly Road.**

The Chair opened the public hearing.

Tom Huston, attorney representing Willard Giebenrath, appeared and gave an overview of the proposal.

The Chair asked if anyone else wished to testify, either in favor, opposition or a neutral position.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

- A. Appointment of Don W. Taute, City of Lincoln-Lancaster County Personnel Administrator, as the County of Lancaster Personnel Officer, effective October 21, 2003.**

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded approval of the appointment of Don W. Taute, City of Lincoln-Lancaster County Personnel Administrator, as the County of Lancaster Personnel Officer, effective October 21, 2003. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

B. Harvest Project agreement with Lincoln Area Agency on Aging's Lincoln Information for the Elderly, (LAAA/LIFE) for the provision of mental health, substance abuse and aging services to frail elderly residents of Lancaster County. This agreement rescinds and replaces the previous agreement (C-03-0476), and incorporates language regarding LAAA/LIFE's self-insurance program. The term of the agreement is from July 1, 2003 to June 30, 2004 and the County shall pay \$52,400 for services outlined in the agreement. (C-03-0541)

MOTION: Stevens moved and Workman seconded approval of a Harvest Project agreement with Lincoln Area Agency on Aging's Lincoln Information for the Elderly, (LAAA/LIFE) which rescinds and replaces the previous agreement (C-03-0476), and incorporates language regarding LAAA/LIFE's self-insurance program. The term of the agreement is from July 1, 2003 to June 30, 2004 and the County shall pay \$52,400 for services outlined in the agreement. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

C. Agreement with the Board of Regents of the University of Nebraska and the Lincoln Housing Authority for the establishment and operation of the Nutrition Education Program which is intended to address the nutritional needs of certain limited-income persons living in urban housing in Lancaster County. The term of the agreement is September 1, 2003 to August 31, 2004. The County shall pay \$15,411 for the services, which will be provided by the University. The Housing authority will also pay \$14,983 for the services. (C-03-0542)

MOTION: Schorr moved and Hudkins seconded approval of an agreement with the Board of Regents of the University of Nebraska and the Lincoln Housing Authority for the establishment and operation of the Nutrition Education Program which is intended to address the nutritional needs of certain limited-income persons living in urban housing in Lancaster County. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- D. **Amendment to an agreement executed by the County Board on March 4, 2003, under County Clerk #C-03-0082, which created the position of Project Manager for the Provision of Community Emergency Response Team program and training. The amendment provides that Sandy Ramsey will assume the obligations of Project Manager until the original contractor is able to perform under the Agreement. Ramsey will be compensated at the same rate provided for in the original Agreement, beginning October 1, 2003. (C-03-0549)**

Kristy Mundt, Deputy County Attorney, requested the following language be added to the end of the sentence in Subsection (1): "at which time the terms of this amendment will cease and the original agreement (C-03-0082) will resume."

MOTION: Stevens moved and Schorr seconded approval of an amendment to an agreement executed by the County Board on March 4, 2003, under County Clerk #C-03-0082 and to include the additional language requested by the County Attorney's Office. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

- E. **A resolution instituting eminent domain proceedings against Gaylen and Corinne Bartling, Project C55-EM-401(1), Tract No. 12. (R-03-0109)**

Jim Shotkoski, Right-of-Way Manager in the County Engineering Department, gave a brief explanation indicating that there are issues which continue to be unresolved.

In response to a question asked by Hudkins, Shotkoski stated there are trees located in the County's right-of-way which the owner(s) feels there should be compensation.

MOTION: Stevens moved and Workman seconded approval of Resolution 03-0109 instituting eminent domain proceedings against Gaylen and Corinne Bartling, Project C55-EM-401(1), Tract No. 12. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

- F. **A resolution authorizing the installation of traffic signs at the following locations in Lancaster County: (R-03-0110)**

- * **Install a stop sign at the intersection of South 110th Street and Gage Road for westbound traffic.**
- * **Install a stop ahead sign in advance of the stop sign on South 110th Street and Gage Road for westbound traffic.**

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Schorr seconded approval of Resolution 03-0110 authorizing the installation of traffic signs in Lancaster County. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

G. A resolution in the matter of adopting Comprehensive Plan Amendment No 03004, by the Director of Planning, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to adopt the Southeast Upper Salt Creek Watershed Master Plan and to amend the Lincoln/Lancaster County Land Use Plan. (R-03-0112)

In response to a question asked by Hudkins, Larry Worrell, County Surveyor, stated the modified language addresses their concerns regarding road and bridge improvements.

Schorr asked how many acres covered by the watershed plan are outside the three-mile zoning jurisdiction.

Nicole Fleck-Tooze, Public Works and Utilities Department, stated the entire area is located within the three-mile zoning jurisdiction.

Mundt stated the County Board should include in their action which concept would be adopted. She also noted the inclusion of language amending the Land Use Plan.

MOTION: Workman moved and Stevens seconded approval of Resolution 03-0112 approving Comprehensive Plan Amendment 03004, including the addition of language amending the Land Use Plan as recommended by the County Attorney's Office, and adopting Concept A.

Joe Hampton, 1660 South 70th Street, appeared and expressed his concerns regarding the adoption of Concept A. He stated he felt Concept C would allow flexibility to alter the rules identified in Concept A. He added that he feels a development like Williamsburg could not be done under Concept A.

In response to a question asked by Hudkins regarding a development similar to Williamsburg, Steven Henrichsen, Special Projects Manager for the Planning Department, stated they would need to review the particulars. He added that many of the drainage ways through Williamsburg are in open space uses and it would depend on whether a 100 year flood prone area were mapped.

Hampton asked why the Planning staff developed flexibility identified in Concept C.

5) **NEW BUSINESS CONTINUED:**

Henrichsen explained they developed Concept C because of a concern regarding funding for the conservation easements as identified in Concept A. He stated if full funding for the easements wasn't possible they still wanted to implement the principles of the watershed study.

Schorr asked what percentage of the full funding is accounted for at the present time.

Fleck-Tooze stated the total cost for implementing the entire plan, including the floodplain easement purchases, is \$8,400,000. The total cost for purchasing the floodplain easements throughout the entire basin is approximately \$3,400,000. She indicated there is approximately \$1,000,000 funded.

ROLL CALL: Workman, Stevens, Schorr and Heier voted aye. Hudkins voted no.
Motion carried.

H. Authorization of UNICO to place coverage with a non-admitted carrier and commercial insurance application for umbrella/excess liability coverage with Empire Indemnity Insurance Company.

MOTION: Workman moved and Stevens seconded approval of the authorization of UNICO to place coverage with a non-admitted carrier and commercial insurance application for umbrella/excess liability coverage with Empire Indemnity Insurance Company. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

I. Letter of authorization to Nationwide Insurance Company to place undesignated funds into the Fixed Account.

MOTION: Schorr moved and Hudkins seconded approval of a letter of authorization to Nationwide Insurance Company to place undesignated funds into the Fixed Account. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

6) CONSENT ITEMS CONTINUED:

- A. Receive and Place on File:
 - 1. Assessor/Registrar of Deeds Monthly Report for September, 2003.
 - 2. Lancaster Manor's Monthly Report for September, 2003.
 - 3. Records & Information Management's Monthly Report for September, 2003.
 - 4. County Sheriff's Report of Fees for September, 2003.

- B. Setting of a public hearing for Tuesday, November 4, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding Revisions to Lancaster County's Amusement License and Special Designated License Guidelines and Procedures.

- C. Request from Amy Rockenbach, an employee with the Community Mental Health Center, to participate in the Lancaster County Retirement Plan.

- D. Request from Veronica E. Shippert, an employee with the Lancaster County Engineering Department, to participate in the Lancaster County Retirement Plan.

- E. A resolution in the matter of County Miscellaneous No. 03011 regarding a text amendment to the County Subdivision Resolution to add a postponement fee, as requested by the Director of Planning. The purpose of the text amendment is to add a fee to be paid by the applicant for additional advertising and notification to property owners when an application has been postponed at the request of the applicant. (R-03-0108)

- F. A subdivision agreement with Willard D. Giebenrath, filed by Lyle Loth of E.S.P., for County Final Plat 03016, View Pointe North, on property generally located on North 70th Street and Waverly Road. (C-03-0543)

- G. A resolution in the matter of Final Plat 03016, View Pointe North, requested by Lyle Loth of E.S.P. on behalf of Willard Giebenrath, for fourteen (14) lots and five (5) outlots on property generally located on North 70th Street and Waverly Road, Lancaster County, Nebraska. (R-03-0111)

6) **CONSENT ITEMS CONTINUED:**

H. Leasehold contracts relating to road construction between the Lancaster County Engineering Department and the following:

- * Harold Otto, in the amount of \$10, located on Rokeby Road between South 56th and South 70th Streets; Project No. C55-P-427(1). (C-03-0545)
- * Mark Roemer, in the amount of \$10, located on Northwest 84th Street from Adams Street to Highway 34. (C-03-0546)

I. Right-of-way contracts relating to road construction between the Lancaster County Engineering Department and the following:

- * Bob and Lisa Kendle, in the amount of \$107.50, located on Rokeby Road between South 56th and South 70th Streets; Project No. C55-P-427(1). (C-03-0544)
- * Michael and Margitta O'Donnell, in the total amount of \$1,979.14, located on Northwest 84th Street from Adams Street to Highway 34. (2 contracts) (C-03-0547 & C-03-0548)

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

7) **OTHER BUSINESS:**

Carol Brown, 2201 Elba Circle, Virginia Wright, 814 Lyncrest Drive and Larry Zink, 4926 Leighton Avenue appeared and expressed concerns regarding appointments to the Planning Commission.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 2:45 p.m.. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 21, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order 2:45 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 14, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated October 14, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS:**

Approval of 131 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Schorr moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

CenterPointe, Inc.
Midwest District Missionary Church, Inc.
Villa Marie School

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **REMOVAL OF A PORTION OF 451A TAX EXEMPTION FOR 2003 ON REAL PROPERTY FOR THE FOLLOWING:**

Fourth Presbyterian Church

MOTION: Stevens moved and Hudkins seconded to accept the County Assessor/Register of Deed's recommendation and remove a portion of a 451A tax exemption for 2003 on real property for Fourth Presbyterian Church (Parcel I.D. 17-17-425-004-000). Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **REMOVAL OF 451A TAX EXEMPTION ON REAL PROPERTY FOR 2003:**

Christian Heritage Children's Homes

Gregg Nicholas, President of Christian Heritage Children's Homes, appeared and requested the exempt status be maintained through 2003 for property located at 6167 Blackstone. He stated the property was vacant for a time from caring for girls, however, they continued to use the property for other things such as a development office and for training of staff.

In response to a question asked by Hudkins, Nicholas stated the property is used daily and they would be using it until the end of October.

Stevens asked if he was correct in understanding that if the property was used for an exempt purpose as of January 1, 2003 it would continue to be exempt.

Agena stated a property can be exempt on January 1st, however, if the use changes between January 1st and the levy date then the status would change from exempt to non-exempt.

Schorr asked for clarification regarding the sale of the property.

Nicholas stated the property is sold and closing would take place by the end of October.

MOTION: Schorr moved and Workman seconded to maintain the exemption for Christian Heritage Children's Homes until the property is sold and closed.

In response to a question asked by Stevens, Nicholas stated the property was being used as office space and for training of staff on October 14, 2003 which was verified by a representative of the Assessor/Register of Deed's Office on October 15th.

ROLL CALL: Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

7) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Fourth Presbyterian Church (2 notices)

Michael R. Moser and John Morehouse \$168,000

MOTION: Hudkins moved and Schorr seconded to accept the recommendation of the County Assessor/Register of Deed and set a value of \$20,000 on Parcel I.D. # 17-17-448-001-000 for Fourth Presbyterian Church, a value of \$17,000 on Parcel I.D. # 17-17-448-002-000 for Fourth Presbyterian Church and to set a value of \$168,000 on property for Michael R. Moser and John Morehouse. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Equalization at 2:55 p.m.. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk